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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,022	04/12/2005	Adras Montvay	DE 020232	4677
24737 7590 05/05/2010 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
SHELEHEDA, JAMES R				
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2424				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/531,022

**Applicant(s)**

MONTVAY ET AL.

**Examiner**

JAMES SHELEHEDA

**Art Unit**

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/12/10 has been entered.

### ***Response to Arguments***

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel et al. (Maissel) (US 2004/0049787 A1) (of record) in view of Shah-Nazaroff et al. (Shah-Nazaroff) (6,317,881).

As to claim 1, Maissel discloses a method of controlling the program selection at the receiver (customization of the program guide; paragraphs 134-147) of at least one broadcast medium (television network; paragraph 101), the method comprising the steps of:

managing a list of preferred programs (customized program listings based upon user preference; paragraphs 134-147) accordance with predetermined criteria (contained within preference profiles; paragraph 134), and in which at least a part of the criteria is based on information about the program evaluation by other users of the broadcast medium (utilizing preference profiles from multiple users; paragraph 134 and 154), using a separate enquiry of the other users (paragraph 124); and

allowing the user to allow a user to navigate through the list (paragraph 201) of preferred programs in accordance with the predetermined criteria (paragraph 134-147), he fails to specifically disclose wherein the method includes a separate enquiry to at least one other user for input.

In an analogous art, Shah-Nazaroff discloses a system to identify preferred programming (column 2, lines 43-61) which will separately question a plurality of different users of the system (column 3, lines 47-column 4, lines 54) so as to evaluate and rate the programming (column 5, line 8-column 6, line 22) for the typical benefit of providing a more accurate system for recommending content (column 2, lines 43-61 and column 5, line 8-column 6, line 22).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the method

includes a separate enquiry to at least one other user for input, as taught in combination with Shah-Nazaroff, for the typical benefit of providing a more accurate system for recommending content.

As to claim 2, Maissel and Shah-Nazaroff disclose wherein the program evaluation is gained from an inquiry of evaluation notes by other users (paragraph 124, 134,154 and column 3, lines 47-column 4, lines 54, column 5, line 8-column 6, line 22).

As to claim 3, Maissel and Shah-Nazaroff disclose wherein at least a part of the predetermined criteria is based on information about:

explicitly predetermined user preferences (paragraph 124); and  
implicitly gained user preference (paragraph 123).

As to claim 4, Maissel and Shah-Nazaroff disclose wherein the criteria are weighted adaptively (paragraph 169).

As to claim 5, Maissel and Shah-Nazaroff disclose wherein control inputs enable a user to navigate stepwise through the list (paragraph 201-203; Fig. 9A-9C).

As to claim 6, while Maissel discloses a method of controlling the program selection at the receiver of at least one broadcast medium, in which a list of preferred programs (customized program listings based upon user preference; paragraphs 134-

147) is managed in accordance with predetermined criteria (contained within preference profiles; paragraph 134), wherein at least a part of the criteria is based on information about the program evaluation by other users of the broadcast medium (utilizing preference profiles from multiple users; paragraph 134 and 154), and in which control inputs enable a user to navigate stepwise through the list (paragraph 201-203; Fig. 9A-9C), wherein a new program is added to the list (paragraph 134, 135 and 138), when its limits are exceeded when navigating through said list (program viewing which exceeds a set minimum time period; paragraph 178), he fails to specifically disclose wherein the method includes a separate enquiry to at least one other user for input.

In an analogous art, Shah-Nazaroff discloses a system to identify preferred programming (column 2, lines 43-61) which will separately question a plurality of different users of the system (column 3, lines 47-column 4, lines 54) so as to evaluate and rate the programming (column 5, line 8-column 6, line 22) for the typical benefit of providing a more accurate system for recommending content (column 2, lines 43-61 and column 5, line 8-column 6, line 22).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the method includes a separate enquiry to at least one other user for input, as taught in combination with Shah-Nazaroff, for the typical benefit of providing a more accurate system for recommending content.

As to claim 7, while Maissel and Shah-Nazaroff disclose wherein the order of the programs within the listing may be changed (paragraph 136), they fail to specifically disclose wherein programs fulfilling a temporally limited negative criterion are positioned at a distance from the current navigation position in the list, which distance corresponds to the remaining duration of the negative criterion.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant sort a program listing wherein programs fulfilling a temporally limited negative criterion are positioned at a distance from the current navigation position in the list, which distance corresponds to the remaining duration of the negative criterion, such as by sorting the programs within the list by start time wherein programs having a later start time are listed later within the list, so as to provide a more user friendly system by easily allowing the viewer to identify which programs are currently playing and which programs require the viewer to wait some period of time until they begin.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel and Shah-Nazaroff's system to include wherein programs fulfilling a temporally limited negative criterion are positioned at a distance from the current navigation position in the list, which distance corresponds to the remaining duration of the negative criterion, so as to provide a more user friendly system by easily allowing the viewer to identify which programs are currently playing and which programs require the viewer to wait some period of time until they begin.

As to claim 8, Maissel and Shah-Nazaroff disclose wherein program information is supplied when a program is selected from the list (paragraph 201).

As to claim 9, while Maissel discloses a receiver for at least one broadcast medium (110, Fig. 1; paragraph 101), comprising a processing unit (paragraph 102) for managing a list of preferred programs (customized program listings based upon user preference; paragraphs 134-147) in accordance with predetermined criteria (contained within preference profiles; paragraph 134), where at least a part of the criteria is based on information about the program evaluation by other users of the broadcast medium (utilizing preference profiles from multiple users; paragraph 134 and 154), wherein the processing unit has an input for information signals relating to the program evaluation by other users of the broadcast medium (utilizing preference profiles from multiple users; paragraph 134 and 154), he fails to specifically disclose wherein the method includes a separate enquiry to at least one other user for input.

In an analogous art, Shah-Nazaroff discloses a system to identify preferred programming (column 2, lines 43-61) which will separately question a plurality of different users of the system (column 3, lines 47-column 4, lines 54) so as to evaluate and rate the programming (column 5, line 8-column 6, line 22) for the typical benefit of providing a more accurate system for recommending content (column 2, lines 43-61 and column 5, line 8-column 6, line 22).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Maissel's system to include wherein the method



includes a separate enquiry to at least one other user for input, as taught in combination with Shah-Nazaroff, for the typical benefit of providing a more accurate system for recommending content.

As to claim 10, Maissel and Shah-Nazaroff disclose a method as claimed in claim 1 (see claim 1 above), or a receiver as claimed in claim 9 (see claim 9 above), wherein the broadcast medium is television (paragraph 101).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES SHELEHEDA whose telephone number is (571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sheleheda/  
Primary Examiner, Art Unit 2424

JS